REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 2, 2016

ANALYST: Nataliya Ioffe

COMMITTEE:

Ted Cruz for Senate

C00492785

Bradley S. Knippa, Treasurer 815 A Brazos, PMB 550

Austin, TX 78701

II. **RELEVANT STATUTES:** 11 CFR § 100.33 11 CFR § 100.52 11 CFR § 104.3(d)

III. BACKGROUND:

Failure to Properly Itemize Loans

Ted Cruz for Senate ("the Committee") failed to properly itemize loans incurred from the candidate, Rafael Edward "Ted" Cruz, in 2012. The Committee's 2012 July Ouarterly and October Quarterly Reports disclosed loans totaling \$960,000.00 and \$400,000.00, respectively, as being from the candidate's personal funds (Attachment 2). The Committee subsequently filed a statement indicating that some of the loan amounts were derived from financial institutions, but failed to itemize the source of each candidate loan.

On July 15, 2012, the Committee filed the 2012 July Quarterly Report, covering the period from May 10, 2012 through June 30, 2012 (Image 12020470463). The report disclosed \$960,000.00 in receipts on Line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Image 12020470465). The supporting Schedules A and C of the report itemized two loans, a \$400,000.00¹ loan incurred on

¹ The Committee disclosed a loan repayment on Line 19(a) (Loan Repayments Made to the Candidate) on June 16, 2012 totaling \$235,000.00 (Image 12020471665).

May 18, 2012 and a \$560,000.00 loan incurred on May 22, 2012, with a notation "Candidate Loan from Personal Funds" (Attachment 2).²

On October 15, 2012, the Committee filed the 2012 October Quarterly Report, covering the period from July 12, 2012 through September 30, 2012 (Image 12020813066). The report disclosed \$400,000.00 in receipts on Line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Image 12020813069). The supporting Schedules A and C of the report itemized two loans, a \$250,000.00 loan incurred on July 23, 2012 and a \$150,000.00³ loan incurred on August 7, 2012, with a notation "Candidate Loan from Personal Funds" (Attachment 2).⁴

On January 14, 2016, the Committee filed a Miscellaneous Text Document ("FEC Form 99") signed by the treasurer, Bradley Knippa, that stated, in part:

"To supplement the public record regarding personal loans from Senator Ted Cruz to Ted Cruz for Senate (the "Committee") during the 2011-2012 election cycle, please be advised that the underlying source of some of the loan amounts, while previously and consistently disclosed on Senator Cruz's U.S. Senate Financial Disclosure Reports, was inadvertently omitted from the Committee's Federal Election Commission reports. As disclosed on the Senator's U.S. Senate Financial Disclosure Reports, the following underlying loan information should have also been reported as follows on the Committee's reports: Goldman Sachs Margin Loan, Incurred 2012, 3% Floating Interest Rate; Citibank Line of Credit, Incurred in 2012, Prime plus floating Interest Rate" (Image 201601140200001722).

From January 19 through February 1, 2016, the Reports Analysis Division (RAD) Analyst spoke on the phone with Bradley Knippa, the Committee's treasurer, Cabell Hobbs, the Committee's assistant treasurer, and Chris Gober, the Committee's counsel, concerning the Form 99 submitted by the Committee to clarify the source of candidate loans. The Analyst outlined the reporting requirements associated with the change in loan source, and requested that the Committee amend the 2012reports to correctly disclose the source of each candidate loan on Schedules C and C-1, as applicable. The Analyst explained that a Schedule C-1 must be provided for each loan made by the candidate to the Committee that was derived from a financial institution. Mr. Hobbs confirmed that the loans incurred during the 2012 July Quarterly and October Quarterly reporting periods would be affected. He stated that the Committee was in the process of

² The Committee subsequently filed a statement explaining that the Committee did not treat the portion of candidate loans exceeding \$250,000.00 as of the 21st day after the applicable election as an outstanding debt (per 11 CFR § 116.11) (Image 12021083963).

³ The Committee disclosed a loan repayment on Line 19(a) (Loan Repayments Made to the Candidate) on August 7, 2012 totaling \$150,000.00 (Image 12020471665).

⁴ See footnote 2.

⁵ Mr. Hobbs confirmed that the candidate loan incurred on March 31, 2011 in connection with the 2012 Texas Primary Election was derived in its entirety from the candidate's personal funds and was disclosed correctly, so no amendments to 2011 reports were required.

obtaining additional information about the loans from the financial institution(s). Mr. Hobbs also indicated that he became aware of complaints filed with the FEC concerning the Committee, and asked the Analyst whether this affected the need for the Committee to amend reports to clarify the loans. The Analyst indicated to Mr. Hobbs that per guidance from RAD Management, the Committee should proceed with filing amendments reflecting the changes referenced in the January 14, 2016 Form 99 (Attachment 3).

On February 2, 2016, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2012 July Quarterly Report. The RFAI noted the Committee's January 14, 2016 Form 99 and requested clarification regarding the source of each candidate loan incurred during the 2012 July Quarterly coverage period (Image 201602020300010262).

On the same date, an RFAI was sent to the Committee referencing the 2012 October Quarterly Report. The RFAI noted the Committee's January 14, 2016 Form 99 and requested clarification regarding the source of each candidate loan incurred during the 2012 October Quarterly coverage period (Image 201602020300010272).

On March 8, 2016, the Committee filed a Form 99 signed by the treasurer, Bradley Knippa, that stated, in part:

"On January 14, 2016, to supplement the public record, I provided additional information to the Federal Election Commission regarding personal loans from Senator Ted Cruz to Ted Cruz for Senate (the "Committee") during the 2011-2012 election cycle.

Since that time, complaints have been filed with the Federal Election Commission, and each of those complaints are focused on the extensions of credit referenced in your requests for Additional Information ("RFAI"). It is our understanding that the Commission does not send RFAIs during the pendency of a complaint under the requirements of 52 U.S.C. § 30109(a)(12)(A).

The Committee proactively provided additional information to the Commission on January 14, 2016, and you can expect our cooperation to bring this matter to a quick and amicable resolution. Therefore, we intend to file our responses as they relate to this matter in accordance with the agency's standard practices and procedures" (Image 201603080200079702).

On May 4, 2016, the RAD Analyst called Mr. Knippa and Mr. Hobbs to inform them that the March 8, 2016 Form 99 did not provide an adequate response to the February 2, 2016 RFAIs, and the matter would be referred to the Commission's Office of General Counsel for further review. The Analyst explained that the Committee had the option to provide the requested information about the candidate loans in order to avoid

the referral. Mr. Hobbs explained that the Committee will not file amendments at this time, but that he would relay the information about the referral to the Committee (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

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Ted Cruz for Senate (C00492785)

2012 July Quarterly Report (Image 12020470463)

Improperly Itemized Loans

Loan Source	Date Incurred	Election Designation	Loan Amount
Rafael Edward Ted Cruz	5/18/2012	Primary 2012	\$400,000.00
Rafael Edward Ted Cruz	5/22/2012	Primary 2012	\$560,000.00
Total Loans Incurred This Period			\$960,000.00

2012 October Quarterly Report (Image 12020813066)

Improperly Itemized Loans

Loan Source	Date Incurred	Election Designation	Loan Amount
Rafael Edward Ted Cruz	7/23/2012	Other 2012	\$250,000.00
Rafael Edward Ted Cruz	8/7/2012	Other 2012	\$150,000.00
Total Loans Incurred This Period			\$400,000.00

Total Amount of Candidate Loans Incurred in 2012: \$1,360,000.00

¹ The candidate participated in the 2012 Texas Primary Runoff Election.